

child pornography on the Internet did not satisfy the interstate requirement in child pornography laws.

H.R. 4120, the "Effective Child Pornography Prosecution Act of 2007," responds to that decision by expanding jurisdiction for prosecuting Internet child pornography crimes.

This bill allows the government to prosecute cases when child pornography or is transmitted "using any means or facility of interstate or foreign commerce." This is the broadest assertion of interstate commerce power that Congress can make consistent with the Constitution.

H.R. 4120, as passed by the Senate, includes provisions similar to H.R. 4136, the "Enhancing the Effective Prosecution of Child Pornography Act of 2007" which also passed the House last November.

This language closes a loophole used by child pornographers to circumvent the law by expanding current child pornography statutes.

Current law prohibits the "possession" of child pornography. This law pre-dates the prevalence of the Internet in transmitting child pornography images. Today, a pedophile can access child pornography and view it but, under the current statute, may not be criminally liable for possessing it. This provision will prohibit accessing such content with the intent to view it and will no longer require an offender to actually download the material.

It is no longer sufficient to warn our children to not talk to strangers. With the expansion of the Internet and other technologies, we must now find new ways to protect our children from the dangers of the world.

H.R. 4120, the "Effective Child Pornography Prosecution Act of 2007," provides law enforcement important tools for combating these heinous crimes.

I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

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Ms. ZOE LOFGREN of California. Mr. Speaker, I appreciate the comments made by the gentleman from Utah. I enjoy working with him, as he knows. I urge Members to support this bill.

Mrs. BOYDA of Kansas. Mr. Speaker, the Department of Justice estimates that, in the last year, one in five children between the ages of 10 and 17 received a sexual solicitation or approach while they were using the Internet. With so many threats out there, Congress must provide a unified message that we, as a society, will not stand for anything less than a safe Internet. We will do that today when we pass five good pieces of legislation that will help keep our children safe. I am proud that my legislation, H.R. 4120, Effective Child Pornography Prosecution Act will be a part of that message.

A man from Kansas, William Schaefer, was found guilty of both "knowingly receiving" and "knowingly possessing" child pornography that had been "transported in interstate commerce, by any means including by computer."

Sadly, the 10th Circuit Court of Appeals overturned this decision and the offender was not prosecuted to the fullest extent of the law. The Court ruled that just because images are obtained on the Internet, does not mean they were transmitted across state lines and issued the following statements:

We decline to assume that Internet use automatically equates with a movement across state lines.

Congress' use of the "in commerce" language, as opposed to phrasing such as "affecting commerce" or "facility of interstate commerce," signals its decision to limit federal jurisdiction and require actual movement between states to satisfy interstate nexus.

The Court essentially asked Congress to clarify its intent that the Internet is in fact Interstate Commerce and we did that with passage of the Effective Child Pornography Prosecution Act of 2007. This legislation closes the jurisdictional loophole that allowed a guilty man to escape punishment.

As concerned citizens, parents, and Members of Congress, we must do all we can to keep our children safe. That means we must make a commitment to being tough on crime—to make sure that those who violate the law are fully prosecuted—to ensure that the law is so clear that it deters such heinous crimes from happening.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CANNON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CODE TALKERS RECOGNITION ACT OF 2008

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on one motion to suspend the rules previously postponed.

The unfinished business is the question on suspending the rules and passing the bill, H.R. 4544, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 4544, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI from the Committee on Rules, submitted a privileged report

(Rept. No. 110-883) on the resolution (H. Res. 1500) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7060, RENEWABLE ENERGY AND JOB CREATION TAX ACT OF 2008

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110-884) on the resolution (H. Res. 1501) providing for consideration of the bill (H.R. 7060) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1490 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 1490

*Resolved*, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on any legislative day through September 27, 2008, providing for consideration or disposition of a measure to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

#### GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1490 waives a requirement of clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. The resolution applies to any rule reported on any legislative day through September 27, 2008, providing for consideration or disposition of a measure to